

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE DELCATH SYSTEMS, INC.
SECURITIES LITIGATION**

13 Civ. 3116 (LGS)

**LEAD PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

PLEASE TAKE NOTICE that Lead Plaintiffs Bahman Teimourian, Sam Etheridge, Peter Sutherland, and Robert Howard (the “Delcath Systems Group, Inc.”)¹ will move this Court on June 10, 2015 at 11:20 am for entry of an Order granting preliminary approval pursuant to Rule 23(e), Fed. R. Civ. P., of a settlement of this securities fraud class action filed on behalf of purchasers of shares in Delcath Systems, Inc. (“Delcath” or the “Company”) during the period April 21, 2010 through May 2, 2013 (the “Class Period”).

Pursuant to the Stipulation of Settlement dated May 21, 2015, Delcath has agreed to pay \$8,500,000 in return for a release of all claims (other than those asserted in a separate Derivative Action) (the “Settlement”). In connection with this motion, Lead Plaintiffs’ seek:

- (i) Preliminary approval of the Settlement;
- (ii) Conditional certification of the Class;
- (iii) Approval of the forms of notice and proof of claim; and
- (iv) Setting dates for a Final Settlement Hearing, along with deadlines for;
 - a. mailing and publication of the notices;
 - b. filing objections and opt-outs;

¹ The Order appointing Lead Plaintiffs, and hence the Amended Complaint, denominated them as the “Delcath Systems Group, Inc.,” but Delcath Systems Group is not an incorporated entity.

- c. filing papers in support of Final Approval of the Settlement and Plan of Allocation;
- d. filing papers in support of the request for approval of attorneys' fees and expenses;
- e. filing papers in support of the request for Lead Plaintiffs' Compensatory Awards; and
- f. filing proofs of claims.

In support of the motion, submitted herewith are the Stipulation of Settlement; a proposed Order of Preliminary Approval with Exhibits, and a Memorandum of Law.

Dated: May 21, 2015

POMERANTZ LLP

s/ Marc I. Gross

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